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Counsel to Debtors and Debtors-in-Possession

## UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re: : Chapter 11, Subchapter V

:

GETSWIFT, INC., *et al.*, 1 : Case No. 22-11057 (MEW)

: Lead Case

Debtors. : Jointly Administered

## NOTICE OF SUCCESSFUL BID, SUCCESSFUL BIDDER, SUCCESSFUL BIDDER'S ADEQUATE ASSURANCE OF FUTURE PERFORMANCE, AND SALE HEARING

PLEASE TAKE NOTICE that on August 12, 2022, the Court entered the Order (A) Approving Bid Procedures Relating to the Sale of Substantially All of the Assets of GetSwift, Inc., (B) Establishing Procedures in Connection with the Assumption or Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, (C) Approving Notice Procedures, (D) Approving Stalking Horse Bid Protections, and (E) Granting Related Relief (Doc. 34) (the "Bid Procedures Order").<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: GetSwift, Inc. (4235) and GetSwift Technologies Limited (4875).

<sup>&</sup>lt;sup>2</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Bid Procedures Order.

**PLEASE TAKE FURTHER NOTICE** that the Debtors received a second bid for substantially all of their SaaS assets (the "REV Bid") – in addition to the Stalking Horse Bid – from Retail Ecommerce Ventures LLC (the "REV Bidder").

PLEASE TAKE FURTHER NOTICE that as a result of the Debtors' receipt of the REV Bid, the Debtors conducted an Auction, as required by the Bid Procedures.

PLEASE TAKE FURTHER NOTICE that at the conclusion of the Auction on September 28, 2022, the Debtors declared (a) the REV Bid and REV Bidder to be the Successful Bid and Successful Bidder, respectively, and (b) the Stalking Horse Bid and Stalking Horse Bidder to be the Backup Bid and the Backup Bidder, respectively.

PLEASE TAKE FURTHER NOTICE that attached hereto as Exhibit 1 is the Asset Purchase Agreement ("REV APA") signed by the Successful Bidder.

**PLEASE TAKE FURTHER NOTICE** that information submitted by the Successful Bidder in support of its ability to provide adequate assurance of future performance of its obligations under the REV APA, including with respect to contract counterparties under assumed contracts, is attached hereto as <u>Exhibit 2</u>.

**September 30, 2022 at 11:00 a.m. EST** before the Honorable Michael E. Wiles, United States Bankruptcy Judge for the Southern District of New York, Alexander Hamilton U.S. Custom House, One Bowling Green, Courtroom No. 617, New York, New York 10004. In accordance with General Order M-543 (General Order M-543 can be found at <a href="https://www.nysb.uscourts.gov">www.nysb.uscourts.gov</a>, the official website for the Court), dated March 20, 2020, the Hearing will only be conducted telephonically. Any parties wishing to participate in the hearings must make arrangements through CourtSolutions LLC. Instructions to register for CourtSolutions LLC are attached to General Order M-543.

PLEASE TAKE FURTHER NOTICE that copies of the Bid Procedures Order (including the Bid Procedures) may be obtained by clicking <a href="https://www.imanageshare.com/pd/3ZfHFaJXUJ6">https://www.imanageshare.com/pd/3ZfHFaJXUJ6</a>, by visiting the Court's website at <a href="http://www.nysb.uscourts.gov">http://www.nysb.uscourts.gov</a> in accordance with the procedures and fees set forth therein, or by contacting the undersigned.

Dated: New York, New York September 29, 2022

## **BARCLAY DAMON LLP**

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